

Regular Session, 2010

SENATE BILL NO. 494

BY SENATOR MARTINY

JUVENILE JUSTICE. Provides with respect to parole eligibility of certain juvenile offenders. (7/1/10)

AN ACT

To enact Children's Code Article 857(D), relative to parole eligibility; to provide for parole eligibility of certain juveniles upon reaching thirty-one years of age; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 857(D) is hereby enacted to read as follows:

Art. 857. Transfers for criminal prosecution; authority

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**D. Notwithstanding any other provision of law to the contrary, a child who has been transferred pursuant to this Article or Article 305 and who has subsequently been convicted of an offense committed at the time the child was fifteen or sixteen years of age shall be eligible for parole consideration upon reaching the age of thirty-one years, unless eligible for parole consideration at an earlier date. This provision shall only apply to offenses occurring on or after July 1, 2010.**

Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective July 1, 2010, or on the day following such approval, whichever is later.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

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#### DIGEST

Present law provides for the transfer of juveniles accused of certain crimes to the appropriate court exercising criminal jurisdiction for prosecution.

Present law authorizes juvenile courts to conduct hearings to determine whether a child 14 years of age or older who is charged with certain crimes may be transferred to adult court for criminal prosecution.

Present law provides for automatic transfer provisions from juvenile court to adult court for a child who is 15 years of age or older for the prosecution of certain crimes once an indictment is returned or a continued custody hearing is held and probable cause is found.

Present law mandates that a 14 year old child who is transferred to adult court and who is subsequently convicted shall not be confined for such conviction beyond his 31<sup>st</sup> birthday. Present law does not provide for parole eligibility for a child who is 15 or 16 years of age at the time of the commission of certain crimes and who is tried and convicted in adult court.

Present law defines "child" as any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining 17 years of age.

Proposed law provides that a 15 or 16 year old child who is tried and convicted of certain crimes in adult court shall become eligible for parole consideration at the age of 31.

Proposed law shall only be applied prospectively to offenses occurring on or after July 1, 2010.

Effective July 1, 2010.

(Adds Ch.C. Art. 857(D))